

1888-014 Chancery Causes: J. J. C. Flanary & Bro^r vs. W. S. Cox &c
Lee Co.

Flanary, Cecil, Graham, Thompson, Rivers, Barker

CA-Debt
T-Property

-Deed

To the Honorable ~~John~~ W. S. H. Morrison, Judge of the Circuit Court of
Lee County, Va.:-

Respectfully complaining your
orators J. J. C. Flanary and L. S. Flanary
merchants and partners in trade,
trading under the firm and still
name of J. J. C. Flanary & Bro will
respectively represent unto your
Honor that ~~W. S. Cox~~ W. S. Cox executed on

~~his note in~~ his note in
~~and himself~~ and himself
~~one day after~~ one day after
the said 16 of Aug. 1883 the sum of
forty one dollars and sixty cents.
said note is here filed and marked
"A" and prayed to be considered: upon
said note the sum of \$15⁰⁰ was paid
your orators on the 3rd day of August
1885, the balance of said note with
its accumulated interest is still due
your orators. Your orators will fur-
ther represent unto your Honor
that the said W. S. Cox made his
certain writing obligatory by which
he promised to pay your orators the
sum of eleven dollars and twenty
five cents ~~hypothek~~ one day after

the 29 day of Dec. 1877. Upon said
note was paid March 1st 1880, \$9.50
the residue of said note being
yet due your orators. Said note
is here filed and marked "B" &
prayed to be considered as a part
of your orators' bill of complaint.
Your orators will further show
your honor that there is an
open account due from the
the said H. S. Cox to your orators
for goods, wares and merchan-
dise which was furnished to
the said Cox at his special
instance and request, and with
an express contract - at the

of said goods
, should
the prices
set down in the aff here filed
as exhibit "C". Said aff is for
\$9.39⁴ and was due Jan 1st 1884
and it together with its accrued
interest is yet due your orators.

Your orators will now
show your Honor that the said
debts and aff are unpaid and
due to them, that the said H. S.
Cox is a non-resident of the

State of Virginia but that he is
the owner of two shares of the
land, situate at the mouth of the
Poor Valley Branch in Lee County,
and known as the Larisa Cox
tract or farm, which estate or
lands your orators are advised
is liable in your Honors court
for their said debts and exp.

Your orators will now show unto
your Honors that estate the said
Cox is in the State and
be subjected
your orators

claims; that the said Cox was one
of the lawful heirs of David
Cox who some time ago depart-
ed this life seized and possessed
of a large and valuable real es-
tate situate as aforesaid, leav-
ing 11 children to wit; H. S.
Cox, Charley, Alpha, Dollencia,
Joseph, Rebecca, Fannina who
married Samuel P. Cecil, Cath-
rine who married Wm. H. Graham
Palestine who married Jack Thompson
Martha E. who married Robert Rivers
son, and Allie who married son
Johnathon Barber; that H. S. Cox
is the owner of two elevenths of the
said land, one eleventh by inher-

and Charley Cox
of

that Alpha S. Cox, Joseph Cox, David
are infants, - under the age of

reversionary
interest to

be appointed for the infants to wit,
and Joseph Cox.

and same eleventh by purchase
from Rebecca Cox, the deed
of said purchase is here filed
as exhibit "A" and prayed to be
considered.

The object of this bill there-
fore is to have said lands attached
and held liable for the payment
of said sums of money, the rents
and profits of which will not pay
the same in five years, and to
have the same or so much there-
of as may be necessary to pay
said debts, costs of this suit &c.

With these representations

of the said parties and the said
and Benjamin
and Cath-
bert Rivers and
Arthur & his wife, Jackson Thomp-
son and Palestine his wife, John-
athan Barker and Alice his wife
Charley Cox, ^{Alpha D. Cox} ^{Joseph Cox} Solomon
Cox, Joseph Cox, and W.S. Cox be
made parties defendants to this
bill and they each be required
to answer its allegations on oath,
that said interest in said

* That a guardian
Joseph, Alpha D.

and be attached and held liable
for the payment of the said notes
and account. And upon a hear-
ing a decree be rendered for the
same and a sale be made of the
same. And for all other further
and general relief as the nature
of your orators cause may de-
mand. May Spc issue &c
J. P. Huntington
C. J.

Helbert \$10.79 to Jan 1888.
 3 5.00 Paid
 by A. L. 5.00 Paid
 30. 5.00 Paid
 15.00 Paid
 Co 6 .50 Paid

Estimate \$41.29
 71
 reduce \$42.05
 Atty 5.00
 \$37.05
 76

\$37.81

J. J. C. Flann

(For
 v.s. of Dr

H. S. Cox et

1887 July Bi
 Exd on house
 & Deere Nisi
 Order Pub. &
 residents
 "Aug. D. N. Conf
 Pub. Camp
 Cause set
 "Aug. Deere
 "Deer Deere

Recd. of E. H. Running Fox five dollars
 in full of my costs in this suit -
 This May 8. 1888
 E. B. Belknap 886

W. S. Cox
to
J. J. C. Blaney & Bro

Dr

1883

Feb 2	Leather 35 ⁺ .. Feb 25. Horse shoes nails 12	47
April 8	Leather 50 ⁺ . Wing 5. Coffin 50 ⁺	1 00
May 6	Rope 22 ⁺ " 18. Coffin 50 ⁺	72
June 12	To order for Andy Herrie	1 00
July 25	2 spools Thread 20. Aug 16. 2 1/2 yds Domestic	45
Sept 23	2 lbs Leather 80. Thread 10	70
Oct 30	Goods of J. D. Bailey	55
	one mare Bred to Horse for	5 00

\$ 10 19

1883

Oct 30 let by Ball on Herrie Order
Ball due Jan 1st 1884

70

\$ 9 39

H. S. Cox

To \$ ap

J. C. Flannery & Bro

\$ 9.39

\$41.60

Aug 10, 1883.

One day after date I promise to pay to the order of **J. J. C. Flanary & Bro.**

forty one $\frac{60}{100}$ Dollars, for value received, and I hereby

waive the benefit of my Homestead and personal property
exemptions as to this debt.

Witness my hand and seal.



No 10

[Signature] (SEAL.)

____ (SEAL.)

8/5 00
100

for the author's role
of 8/5 55 fifteen
Dollars by
David Henry

~~\$11.95~~

Dec 29 1879.

One clary after date I promise to pay to the order of
J. J. C. Flanery & Bro. Eleven Dollars 95 ¹⁰⁰

Dollars, for value received, and I hereby waive the benefit of my Homestead
and personal property Exemptions as to this debt. Witness
my hand and seal.



Wm. H. Rose

(SEAL.)

C. WILLOUGHBY Job Printer.

~~No 1~~

(SEAL.)

March 11, 1880
by the bill on
W. C. Flanagan \$200 25

Balance

Interest	246-
	73
	<hr/>
Due	318

55.18 2011 79.51
100 5-11
55.61

The joint answer of Alpha
D., Joseph, Charles and Solle-
mia Cox, infants under the age of
21 years by A. M. Gaines their guardian
ad litem, assigned to defend them in this
to a bill of complaint exhibited against them
and others in the circuit court of the County,
7th by J. J. C. Filmar & Bro.

The said respondents answering to themselves
the benefit of all just exceptions to said bill, for
answers thereto or to so much thereof as they are
advised that is material they should answer by
their said guardian ad litem, answers and says:

That they are infants of tender years and by rea-
son thereof in law are incapable of understanding
the nature of said bill, or of taking care of their
rights or interests, hence they through their
said guardian commend themselves, their
rights and interests to the protection of the court
and prays no decree be pronounced which will
be prejudicial to them.

Now having fully answered the said
bill, said respondents pray to be hence dismiss-
ed with their reasonable costs in this behalf ex-
pended, and they will ever pray &c &c

A. M. Gaines guardian
Ad litem for said Cox's.

J. J. C. Flannery & Bros
vs { Answer of
G. A. R.

W. S. Gray et als

Filed Aug 2nd 1887
J. C. Flannery attce

J. J. Le. Flanagan & Bro.,

vs

H. S. Cox et al

} In Chancery

The matters all being
adjusted in this cause except the clerk's
fee, by agreement of Plaintiffs it
is ordered, adjudged & decreed that
said cause be stricken from the
docket with leave that the clerk
of this court or his personal repre-
sentative may at any time on motion
reinstate said cause for the purpose
of taking any steps necessary for the
collection of his costs in this
cause

J. J. C. Flanagan & Co

or } Deena Lusk

H. S. Cox & Co

Entered 1888. 11/18

V. S. Lusk & Co

Enter this
and of Sept. 1888.

H. S. Cox

J. J. C. Flannery & Bro. Campbells.

vs

W. S. Cox et al Defts

} On Chan.

This cause came on this day to be heard upon the bill of Campbells, affidavits and exhibits filed therewith, and the answer of A. M. Gaine guardian ad Litem for the infant defendants, and was argued by counsel, And it appearing to the court that summons had been served upon the the resident defts. for the time as required by law before the first day of this term of the court; and that an order of publication had been duly made as the law directs for the non-resident defts. they failing to appear the said bill is taken for confessed. And on consideration of all of which it is ordered, adjudged and decreed that the said Campbells. recover from the Def't. W. S. Cox the sum of \$41.60 with legal interest thereon from the 16th day of August, 1883 till paid, subject to a credit of \$15⁰⁰ paid August, 3rd 1885; and the further sum of \$11.95 with legal interest thereon from Dec. 29., 1879 till paid subject to a credit of \$9.50, paid March 1st 1880; and also the sum of \$9.39 with legal interest thereon from the 1st of January, 1884 till paid, and the costs of this suit. And it is

further ordered, adjudged and decreed that ~~where the said Campbells shall have the benefit of this decree~~
~~where the said Campbells shall have executed~~
before the clerk of this court a bond with
good surety in a penalty of \$125.00, condi-
tioned to perform and abide the future order
of this court, upon the appearance of said
Sgt. W. S. Cox, and his making good defense
to said bill and proceedings. And if said
sum of money, this lawful interest and
the costs of this suit be not paid within
30 days from the rising of this court, by
said Sgt. W. S. Cox or some one for him,
then E. H. Pennington who is appointed a
special Commissioner for the purpose
will proceed to sell, on some court day
at the front door of the court house of
On County, 7th lot public outcry to the
highest bidder the undivided interest
of the said W. S. Cox in the land in the bill
and proceedings mentioned. or so much
thereof as may be necessary for the
payment of Campbells claims and costs
of this suit and sale. The said sale shall be
made after having advertised the time
and place of sale for 30 days
at 3 or more public places in this
county, on a credit of 6 & 12 months
and repaying the costs of this suit and

5% Commission on sales to be paid down,
and for the deferred payments Court
will require bonds with approved per-
sonal security from the purchaser. But
before exercising the functions of this
deem, said Court. will execute bond
before the clerk of this Court with good
security in a penalty of \$100. condi-
tioned to faithfully perform his duties
as said Court. And he will report his
action to a future term of this Court, and
the cause is continued.

J. J. L. Flannery & Co
vs { Deena

H. S. Leary & al

Entered pages 63rd of
C. O. Book No. 3.
J. A. Hyatt & Co.

Enter this
H. S. Leary
Aug 1st 1883.

Virginia, Loud County Court:

This day J. J. C. Flanary
personally appeared before me
the undersigned, and made oath
that he is informed and believes
that W. S. Cox is a non-resident
of the State of Virginia, and that
he is justly indebted to J. J. C. Flan-
ary and L. S. Flanary merchants
and partners in trade trading
under the firm and style name
of J. J. C. Flanary & Bro in the
following sums, viz:-

one note due one day after the 16th
day of Aug. 1883 for the sum of \$41.60
subject to a credit of \$15.00 as of date
Aug. 3rd 1885.

another note due one day after the 29th
day of Dec 1879 for the sum of \$11.95-
subject to a credit of \$9.50 as of
date March 1st 1888

And also an a/c due Jan 1st 1884 for \$9.39

and that the said sums are unpaid.
Given under my hand this the 10th
day of June 1887

H. B. Cox J. P.

J. J. C. Flanagan & Bros

vs. Affidavit

J. S. Cox et al

Filed June 14th 1887.
J. S. Hyatt & Co.

Virginia, Lu County:

This day J. J. C. Flanery
personally appeared before me
the undersigned Justice and
made oath that W. D. Cox, Samuel
P. Cecil and Jennima his wife ^{Catherine his wife} Wm Graham and
^{Ketannah P. Vernon Co. Mo.}
are non residents of the state
of Virginia. Given under
my hand this the 10th day of
June 1887

H. B. Cox J. P.

J. J. C. Flanagan & Bro

vs { Affidavit of
non-residency

W. S. Cox & als

Filed June 14th 1887

J. A. Hyatt

This deed made this 31st day of October in the year 1879, between Rebecca Cox of the county of Lee and State of Virginia of the one part, and William S. Cox of the county and State aforesaid of the other part, Witnesseth, that for and in consideration of the sum of twenty five dollars in hand paid and secured to be paid the receipt whereof is hereby acknowledged the said Rebecca Cox doth grant bargain and sell unto the said William S. Cox the whole of her right title and undivided interest in and to the land of David Cox deceased, being the same plantation where the said David Cox's widow and family now live, said land being in Lee County Virginia, on the North side of Powell's River, And the said Rebecca Cox covenants with the said William S. Cox that she will warrant generally the land hereby conveyed, witness the following signature and seal.

Rebecca^{her} Cox Seal
mark

State of Virginia County of Lee Test:

I Carr Bailey a Notary Public for the county aforesaid in the State of Virginia do certify that Rebecca Cox whose name is signed to the writing hereto annexed bearing date on the 31st day of October 1879. has

acknowledges the same before me in my
county aforesaid. Given under my hand this
October 31st 1879.

Carr Bailey A.P.
Virginia Lee County Court clerk's office Oct 27th 1886.

The foregoing deed bearing date Oct 31st
1879, between Rebecca Cox of the one part,
and W. S. Cox of the other part, all of Lee
County Virginia, was this day filed in this
office and admitted to record upon the
certificate of Carr Bailey a Notary Public
for Lee County Va. Test John R. Gibson clk.

Attest of the Record
Test John R. Gibson clk.

W. S. Cox

James B. Head

Rebecca Cox

Deeds Book No 21

P. 6-51.

Cam of J. J. C. Flanagan & Bros
N.Y.
W. S. Cox

1 E 10 P

Certificate certified to and filed with papers.
H. W. H. publication in Herald 9⁰⁰
Transferred to All Brown Apr 27th 1888,
J. J. L. D. L. J.

Rec'd from within
Cabin of Old
Denver Jan

May 9 1888

Attest
Assign of
Jeff L. Buff

This is to certify that-
Mr. S. Lee personally ap-
peared before me in
my court and made
oath that- he has paid
J. J. Co. Flanary & Bro
\$10.00 other than that-
credited on a writ-
now pending in this
court - vs. said Lee.
This May, 8th 1888.

J. H. [Signature]

In re

In the Clerk's Office of the
Circuit Court for the County
of the 14th June 1887.

J. J. R. O'Leary & Co. Plffs
versus
W. S. Cox et al Defts

Subs.

The object of this suit is to recover
against the defendant W. S. Cox
\$41.00 & interest from the 10th Aug. 1880
Subject to a credit of \$15.00 paid Aug.
3rd 1885; and \$11.75 - & int. from 27 Decr.
1879, subject to a credit of \$9.50 paid
March 1st 1880. and also \$9.39 with
interest from January 1st 1880 till
paid and the costs of this suit,
and to subject to the payment
thereof the said defendants undi-
vided interest in the lands of
his Father David L. Cox decd,
which has been attached for the
purpose - and it appearing
from an affidavit filed in
this Cause that the defendants
W. S. Cox, ~~James L. Cox~~
his wife, Mrs. H. Graham, & Catharine
his ^{wife} are now residents of the
State: It is therefore ordered
that they appear before the

One month after due
publication of this order
and do what may be
necessary to protect their
interest in this suit.

27 Copy,

Teste J. H. Galt & Co.

E. W. Cunningham & Co.

J. J. C. & Co. having no
order published
as in order published
as in order published

I certify that I
delivered to the
inside of the
office copy of this
order for publication
and posted a like
copy thereof at the
court door of the
Ct. at the July
Term 1889 of the
County Court
July 30/89
J. H. Galt & Co.

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon

Wm. S. Cox Jackson Thompson
Palistine his wife, Wm. H. Graham & Catharine his wife,
Samuel P. Cecil & Gerrianna his wife, Robert Rivers and
Martha E. his wife, Johnathan Barker & Alice his
wife, Alpha S. Cox, Dollencia Cox, Charley Cox,
Joseph Cox and Louisa Cox

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House

on the first Monday in July next, being Rule Day; to answer a

Bill in Chancery exhibited in our Court against them, by J. J. C.

Flannery and E. S. Flannery merchants &
partners in trade trading under the firm
and style name of J. J. C. Flannery & Bro.

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said

Court, at the Court House, this 14th day of June 1887 in

the 1 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

The proper affidavit being filed the officer
serving this writ, will attach W. S. Cox's
undivided interest in the lands in the
Bill mentioned and hold the same
in his hands so attached to await
the future orders of the Court
J. J. C. Flanagan &c

E. W. D.

\$ 2.50

J. J. C. Flanagan &c
vs J. Spain & Co
Wm S. Cox et al

To July Rules 1887

Executed by delivering
office copies of this writ
to Jonathan Barker wife
Robt Rivers wife
& J. Thompson wife
Louisa Cox and
Alpha Cox & by
attaching the lands
mentioned & described
in Bill & order

June 30 1887

J. J. C. Flanagan &c

Jonesville 11th Aug 22/87.
I J. J. Jeff Deff Publisher of
The Virginia Herald a weekly
newspaper published in
Jonesville Ly county
do certify that the annexed
Chancery order appeared four
successive times in said
newspaper, ending July 15th
1887.
J. J. Jeff Deff
Publisher for \$0.00

VIRGINIA: In the clerk's office of the
circuit court for Lee county, on the 14th,
of June 1887,

J. J. C. Flanery & Bro., Plfts, }
vs. } In Chcy.
W. S. Cox, et al Defts. }

The object of this suit is to recover
against the defendant W. S. Cox \$41.60
and interest from the 16th, August 1883
subject to a credit of \$15.00 paid August
2, 1885 and \$11.55 and interest from 29.
Dec., 1879, subject to a credit of \$9.50 paid
March 1, 1880, and also \$9.39 with inter-
est from January 1st, 1884 till paid and
the costs of this suit and to
subject to the payment thereof the said
defendants undivided interest in the
lands of his father David C. Cox, dec'd,
which has been attached for the purpose,
and it appearing from an affidavit filed
in this cause that the defendants W. S.
Cox, Samuel P. Cecil and Jemima his
wife, Wm. M. Graham, and Catharine
his wife are non-residents of this State. It
is therefore ordered that they appear here
within one month after due publication
of this order do what may be necessary to
protect their interest in this suit. A copy
Test. J. A. G. HYATT, C. C.

E. W. Pennington, p. g.

J. J. C. Flanagan No
7.53 ~~Feb~~
Certificate
W. S. Cox et al

Order of Publication

Fee \$500

E. W. P.